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1761

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Attorney Docket No. HAU237

Client/Matter No. 81250.0109.000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Bailey, et al.

Serial No. 10/025,479

Filed: December 19, 2001

For: METHODS OF PREPARING
IMPROVED WATER-SOLUBLE
EXTRACTS CONTAINING
ANTIOXIDANTS AND USES
THEREOF

Group Art Unit: 1761

Examiner: Leslie Wong

CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement;
2. Return postcard; and
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Jan 8, 2004
Date

Sarah L. O'Rourke
Mailer

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RESPONSE TO RESTRICTION REQUIREMENT

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Office Action dated December 9, 2003, the Examiner stated that the application contains claims directed to the following patentably distinct species: (1) *Acinox*, *Calamintha*, *Clinopodium*, *Glechoma*, *Hyssopus*, *Lavandula*, *Lycopus*, *Melissa*, *Mentha*, *Nepeta*, *Origanum*, *Prunella*, *Rosmarinus*, *Salvia*, *Satureja*, and *Thymus* for the plant biomass, and (2) coffee, salsa, and red wine for the food/beverage product. The Examiner required an election of a single disclosed species for both the plant biomass and the food/beverage product for prosecution on the merits. Currently, claims 1-3, 8-13, 15, 18-23, 26 and 28 are generic.

An election is made without traverse to prosecute the species *Rosmarinus* for the plant biomass and the species coffee for the food/beverage product for prosecution on the merits. Claims 1-3, and 6-29 read on the elected species.

Respectfully submitted,

Jan 8, 2004
Dated

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